

Notice of Allowability

Application No.

10/082,570

Examiner

Victor J. Taylor

Applicant(s)

MOERIG ET AL.

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3 May 2004.
2. ☒ The allowed claim(s) is/are 1-10.
3. ☒ The drawings filed on 03 May 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date <u>12</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Drawings

1. The drawings were received on 05/03/2004. These drawings are approved.

Response to Arguments

2. Applicant's arguments filed 3 May 2004 with respect to the drawing corrections and the new drawing number 5 including the amendment to the specification have been fully considered and are persuasive. The objection to the drawing of 27 January 2004 has been withdrawn.
3. Applicant's arguments and the amendment to the specification, filed 3 May 2004, with respect to the amendments to the specification with the arguments of record have been fully considered and are persuasive. The objection to the specification and the objection to claim 1 of 27 January 2004 have been withdrawn.
4. Applicant's arguments and amendments to the claims filed 3 May 2004, with respect to the claim rejection of 27 January 2004 have been fully considered and are persuasive. The 112-second paragraph rejection of 27 January 2004 has been withdrawn.
5. Applicant's arguments and amendments to the claims filed 3 May 2004, with respect to the claim rejection of 29 April 2003 have been fully considered and are persuasive. The 35 U.S.C. 102 (e) rejection of 29 April 2003 has been withdrawn.

Allowable Subject Matter

6. Claims 1-10 are allowed.

7. The following is an examiner's statement of reasons for allowance:

The amendments of record presented with the arguments of record on 3 May 2004 by the applicant in the instant application convinces the examiner that the application is allowable over the cited art of record.

The method in claim 1 to process seismic data with method steps for "determining a difference for data in a window comprising a portion of a first data segment with data in a corresponding window comprising a portion of a second data segment wherein the first data segment and the second data segment are selected from a plurality of data segments acquired using a plurality of seismic sweeps" ... [and] with the steps of "changing the data in the first data segment using the data in a corresponding window" ... and/or in combination with the steps for "the window comprising a portion of a second data segment based on the said difference" is not found in the cited art of record.

It is these limitations expressed in each of these claims and not found, taught, or suggested in the prior art of record, that makes these claims allowable over the prior art.

Claims 2-10 are dependent on the allowed independent claim 1 and are allowed at least for the reasons cited above.

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should

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preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor J. Taylor whose telephone number is 571-272-2281. The examiner can normally be reached on 8:00 to 5:30 PM.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Barlow can be reached on 571-272-2863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VJT.


19 August 2004


John Barlow
Supervisory Patent Examiner
Technology Center 2800